



ORDINANCE NUMBER 2879

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT AMENDMENT FOR A PRIVATE SCHOOL INCLUDING ATHLETIC FACILITIES, ON AN APPROXIMATE 50-ACRE TRACT OF LAND LOCATED AT 4101 SIGMA ROAD (FORMERLY 13777 MIDWAY ROAD) AND WITHIN THE PLANNED DEVELOPMENT NUMBER 64 (PD-64) ZONING DISTRICT; AMENDING AND REPLACING ORDINANCE 2595; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR INJUNCTIVE RELIEF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Farmers Branch deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance to amend the Comprehensive Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning and Zoning Commission has given reasonable consideration to, among other things, the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the City of Farmers Branch City Council, in compliance with the Charter of the City of Farmers Branch, and state law with reference to the granting of changes to the zoning classifications under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the City of Farmers Branch City Council is of the opinion that due to a change in condition and in order to protect the public health, welfare and safety, said change in zoning should be made.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:

SECTION 1. That all matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

SECTION 2. That the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be, and the same is hereby amended, by amending the Zoning Map of the City of Farmers Branch so as to grant a Specific Use Permit amendment for a private school including athletic facilities, on an approximate 50-acre tract of land located at 4101 Sigma Road (formerly 13777 Midway Road) and within the Planned Development No. 64 (PD-64) zoning district (hereinafter the "Property"), as described in the attached Exhibit "A" and as depicted on attached Exhibit "B," subject to the terms and conditions contained herein.

SECTION 3. That the Property shall conform in operation, location and construction to the development standards specified within the Planned Development No. 64 (PD-64) zoning district and in accordance with the approved site plan attached hereto as Exhibit "C." All exhibits attached hereto are incorporated herein by reference.

SECTION 4. That the Property shall also comply with the following conditions for approval:

1. Prior to issuance of construction permits for building additions and/or renovations to the main school building or any assembly use, the property owner shall demonstrate compliance with parking requirements based upon the parking study prepared by DeShazo, Tang and Associates, Inc. dated August 7, 2006 (attached hereto as Exhibit "D"). The City may require the property owner to construct parking lot improvements as shown on the site

plan prior to the football/track facility or any other assembly use facility being constructed, should the City determine that insufficient parking exists on-site to accommodate school activities. Additionally, all of parking Lot D shall be constructed at one time and not be constructed in phases.

2. The athletic field light fixtures shall be fully shielded so that all light rays emitted shall be directed downward towards the playing field, the light rays shall not spill over onto adjacent properties and the applicant shall be responsible for submitting a photometrics plan showing foot-candle measurements on the school property as well as surrounding properties, in accordance with the following foot-candle measurements: maximum 0.2 foot-candles at all adjacent residential property lines, except along the north property line which shall be maximum 2.5 foot-candles; maximum 2.5 foot-candles at all adjacent non-residential property lines; and maximum 2.5 foot-candles at adjacent right-of-way lines. A photometrics plan shall be submitted to the City for review and approval prior to issuance of a permit for any lighting improvements and the plan shall demonstrate compliance with said foot-candle measurements. Should the lighting improvements be phased, then a photometrics plan shall be submitted prior to issuance of a permit for each phase of improvements.
3. The existing 10-inch private water line on the subject property shall remain private and maintenance of the water line shall be the property owner's responsibility.
4. The subject property shall be replatted dedicating necessary easements.
5. Building elevation drawings for the batting cages, including dimensions and materials, shall be subject to review and approval by the Director of Planning, prior to issuance of a building permit.
6. Building elevation drawings, including dimensions and materials, for the concessions/restrooms/locker rooms buildings and storage buildings, shall be subject to review and approval by the Director of Planning, prior to issuance of a building permit.
7. Utility plans demonstrating sanitary sewer service to the concessions/restrooms/locker rooms buildings shall be submitted concurrently with construction plans for said buildings and shall be subject to review and approval by the Building Official, prior to issuance of a building permit.

SECTION 5. That Ordinance 2747 is hereby amended and replaced, as provided for herein.

SECTION 6. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

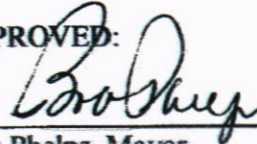
SECTION 7. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

SECTION 8. In addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

SECTION 9. This ordinance shall take effect immediately from and after its passage as the law in such case provides.


DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, on this the 5th day of September, 2006.

APPROVED:



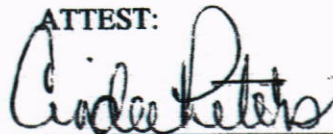
Bob Phelps, Mayor

APPROVED AS TO FORM:



City Attorney

ATTEST:



Cindee Peters, City Secretary

Exhibit "A"

**LOT 1, BLOCK A
LAND DESCRIPTION**

BEING tract of land situated in the Noah Good Survey, Abstract No. 520, City of Farmers Branch, Dallas County, Texas and being all Lot 1, Block A, ExxonMobil Addition, an addition to the City of Farmers Branch, Texas according to the plat thereof recorded in Volume 2001196, Page 00030 of the Deed Records of Dallas County, Texas and also being more particularly described as follows:

COMMENCING at a point at the most southerly cutback corner at the intersection of the westerly right-of-way line of Midway Road (a variable width right-of-way) as described in the Street Warranty Deed to the City of Farmers Branch, Texas as recorded in Volume 98065, Page 4674 of the Deed Records of Dallas County, Texas and the northerly right-of-way line of Alpha Road (80 Foot wide right-of-way); THENCE, along the northerly right-of-way line of said Alpha Road the following courses:

South 89 degrees 44 minutes 29 seconds West, a distance of 2.32 feet to the beginning of a curve to the left, having a central angle of 37 degrees 57 minutes 14 seconds, a radius of 449.30 feet, and being subtended by a chord which bears South 70 degrees 45 minutes 52 seconds West, a distance of 292.21 feet;

Westerly along said curve, an arc distance of 297.63 feet to the beginning of curve to the right, having a central angle of 38 degrees 20 minutes 25 seconds, a radius of 369.30 feet, and being subtended by a chord which bears South 70 degrees 57 minutes 27 seconds West, a distance of 242.54 feet;

Westerly along said curve, an arc distance of 247.12 feet to a point;

North 89 degrees 52 minutes 20 seconds West, a distance of 663.02 feet the beginning of a curve to the left having a central angle of 24 degrees 21 minutes 36 seconds, a radius of 449.30 feet, and being subtended by a chord which bears South 77 degrees 56 minutes 52 seconds West, a distance of 189.59 feet;

Westerly along said curve, an arc distance of 191.03 feet to a point for a corner;

THENCE, North 89 degrees 52 minutes 20 seconds West, departing the northerly right-of-way line of said Alpha Road and along the southerly line of said ExxonMobil Addition, a distance of 456.50 feet to a point for a corner, the POINT OF BEGINNING;

THENCE, North 89 degrees 52 minutes 20 seconds West, continuing along the southerly line of said ExxonMobil Addition, a distance of 756.27 feet to a point for a corner;

THENCE North 00 degrees 00 minutes 50 seconds East, along the westerly line of said ExxonMobil Addition, a distance of 1302.00 feet to a point for a corner in the approximate centerline of Farmers Branch Creek;

THENCE, generally along the centerline of Farmers Branch Creek with its meanders the following courses:

Exhibit "A" (continued)

South 65 degrees 14 minutes 29 seconds East, a distance of 146.03 feet to a point for a corner;
South 68 degrees 32 minutes 40 seconds East, a distance of 166.61 feet to a point for a corner;
North 88 degrees 48 minutes 14 seconds East, a distance of 97.01 feet to a point for a corner;
North 82 degrees 41 minutes 25 seconds East, a distance of 210.28 feet to a point for a corner;
South 84 degrees 08 minutes 01 seconds East, a distance of 13.57 feet to a point for a corner;
North 63 degrees 58 minutes 30 seconds East, a distance of 130.51 feet to a point for a corner;
North 29 degrees 16 minutes 12 seconds East, a distance of 91.09 feet to a point for a corner;
North 50 degrees 46 minutes 37 seconds East, a distance of 118.66 feet to a point for a corner;
South 58 degrees 55 minutes 58 seconds East, a distance of 29.42 feet to a point for a corner;
North 59 degrees 42 minutes 52 seconds East, a distance of 50.91 feet to a point for a corner;
North 87 degrees 18 minutes 15 seconds East, a distance of 149.98 feet to a point for a corner;
South 85 degrees 32 minutes 55 seconds East, a distance of 43.70 feet to a point for a corner;
South 73 degrees 18 minutes 10 seconds East, a distance of 170.62 feet to a point for a corner;
South 88 degrees 51 minutes 25 seconds East, a distance of 129.37 feet to a point for a corner;
North 67 degrees 59 minutes 42 seconds East, a distance of 209.13 feet to a point for a corner;
North 69 degrees 29 minutes 22 seconds East, a distance of 75.06 feet to a point for a corner;
North 78 degrees 09 minutes 15 seconds East, a distance of 93.99 feet to a point for a corner;
North 82 degrees 31 minutes 07 seconds East, a distance of 67.90 feet to a point for a corner;
South 51 degrees 22 minutes 48 seconds East, a distance of 78.36 feet to a point for a corner;
South 72 degrees 18 minutes 07 seconds East, a distance of 116.09 feet to a point for a corner;
North 73 degrees 39 minutes 39 seconds East, a distance of 236.80 feet to a point for a corner;
North 81 degrees 37 minutes 42 seconds East, a distance of 83.20 feet to a point for a corner;
THENCE, South 00 degrees 09 minutes 11 seconds West, leaving the centerline of Farmers Branch Creek
a distance of 38.51 feet to a point for a corner;
THENCE, South 34 degrees 53 minutes 36 seconds West, a distance of 24.65 feet to a point for a corner;
THENCE, South 21 degrees 32 minutes 14 seconds East, a distance of 35.00 feet to a point for a corner
and being the beginning of a curve to the left having a central angle of 68 degrees 15 minutes 16
seconds, a radius of 331.00 feet and being subtended by a chord which bears South 34 degrees 20
minutes 08 seconds West, a distance of 371.40 feet;
THENCE, along said curve to the left in a southwesterly direction, an arc distance of 394.31 feet to a
point for corner at the end of said curve;
THENCE, South 00 degrees 12 minutes 30 seconds West a distance of 183.05 feet to a point for a corner
and the beginning of a curve to the right having a central angle of 45 degrees 02 minutes 16 seconds, a
radius of 230.00 feet, and being subtended by a chord which bears South 22 degrees 43 minutes 38
seconds West, a distance of 176.17 feet;
THENCE, along said curve to the right in a southerly direction, an arc distance of 180.79 feet to a point
for a corner at the end of said curve;
THENCE, South 45 degrees 14 minutes 46 seconds West, a distance of 219.44 feet to a point for a
corner and the beginning of a curve to the left having a central angle of 30 degrees 50 minutes 04
seconds, a radius of 230.00 feet and being subtended by a chord which bears South 29 degrees 49
minutes 44 seconds West, a distance of 122.29 feet;
THENCE, along said curve to the left in a southerly direction, an arc distance of 123.78 feet to a point for
a corner at the end of said curve;
THENCE, North 89 degrees 47 minutes 30 seconds West, a distance of 1066.63 feet to a point for a
corner;
THENCE, South 00 degrees 12 minutes 30 seconds West, a distance of 510.38 feet to the POINT OF
BEGINNING and containing 49.51 acres of land more or less.

Exhibit "A" (continued)

**LOT 4, BLOCK A
LAND DESCRIPTION**

BEING tract of land situated in the Noah Good Survey, Abstract No. 520, City of Farmers Branch, Dallas County, Texas and being all of Lot 4, Block A, ExxonMobil Addition, an addition to the City of Farmers Branch, Texas according to the plat thereof recorded in Volume 2001198, Page 00030 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at the intersection of the westerly right-of-way line of Midway Road (a variable width right-of-way) as described in the Street Warranty Deed to the City of Farmers Branch, Texas as recorded in Volume 98065, Page 4674 of the Deed Records of Dallas County, Texas and the northerly right-of-way line of Alpha Road (80 foot wide right-of-way);

THENCE, along the westerly right-of-way line of said Midway Road the following courses:

North 45 degrees 07 minutes 22 seconds East, a distance of 18.36 feet to a point for a corner;

North 00 degrees 03 minutes 48 seconds West, a distance of 730.45 feet to a point for a corner;

North 00 degrees 06 minutes 47 seconds West, a distance of 251.32 feet to a point for a corner;

North 00 degrees 37 minutes 19 seconds East, a distance of 160.17 feet to a point for a corner;

North 00 degrees 36 minutes 30 seconds East, a distance of 319.38 feet to a point for a corner on the northerly line of said ExxonMobil Addition;

THENCE, South 33 degrees 14 minutes 29 seconds West, along the northerly line of said ExxonMobil Addition, a distance of 25.40 feet to a point for a corner at the most northerly corner of said LOT 4, BLOCK A, the POINT OF BEGINNING;

THENCE, South 00 degrees 12 minutes 30 seconds West, along the easterly line of said LOT 4, BLOCK A, a distance of 173.96 feet to a point for a corner;

THENCE, South 45 degrees 18 minutes 01 seconds West, continuing along the easterly line of said LOT 4, BLOCK A, a distance of 21.18 feet to point for a corner;

THENCE, North 89 degrees 36 minutes 28 seconds West, along the southerly line of said LOT 4, BLOCK A, a distance of 113.26 feet to a point for a corner and being the beginning of a curve to the left having a central angle of 08 degrees 18 minutes 55 seconds, a radius of 366.00 feet being subtended by a 53.07 foot chord which bears South 86 degrees 14 minutes 04 seconds West;

THENCE, Continuing along the southerly line of said LOT 4, BLOCK A, in a westerly direction along said curve to the left, an arc distance of 53.12 feet to a point for a corner at the end of said curve;

THENCE, North 49 degrees 28 minutes 11 seconds West along the westerly line of said LOT 4, BLOCK A, a distance of 19.43 feet to a point for a corner.

THENCE, North 00 degrees 09 minutes 11 seconds East continuing along the westerly line of said LOT 4, BLOCK A, a distance of 45.00 feet a point for a corner;

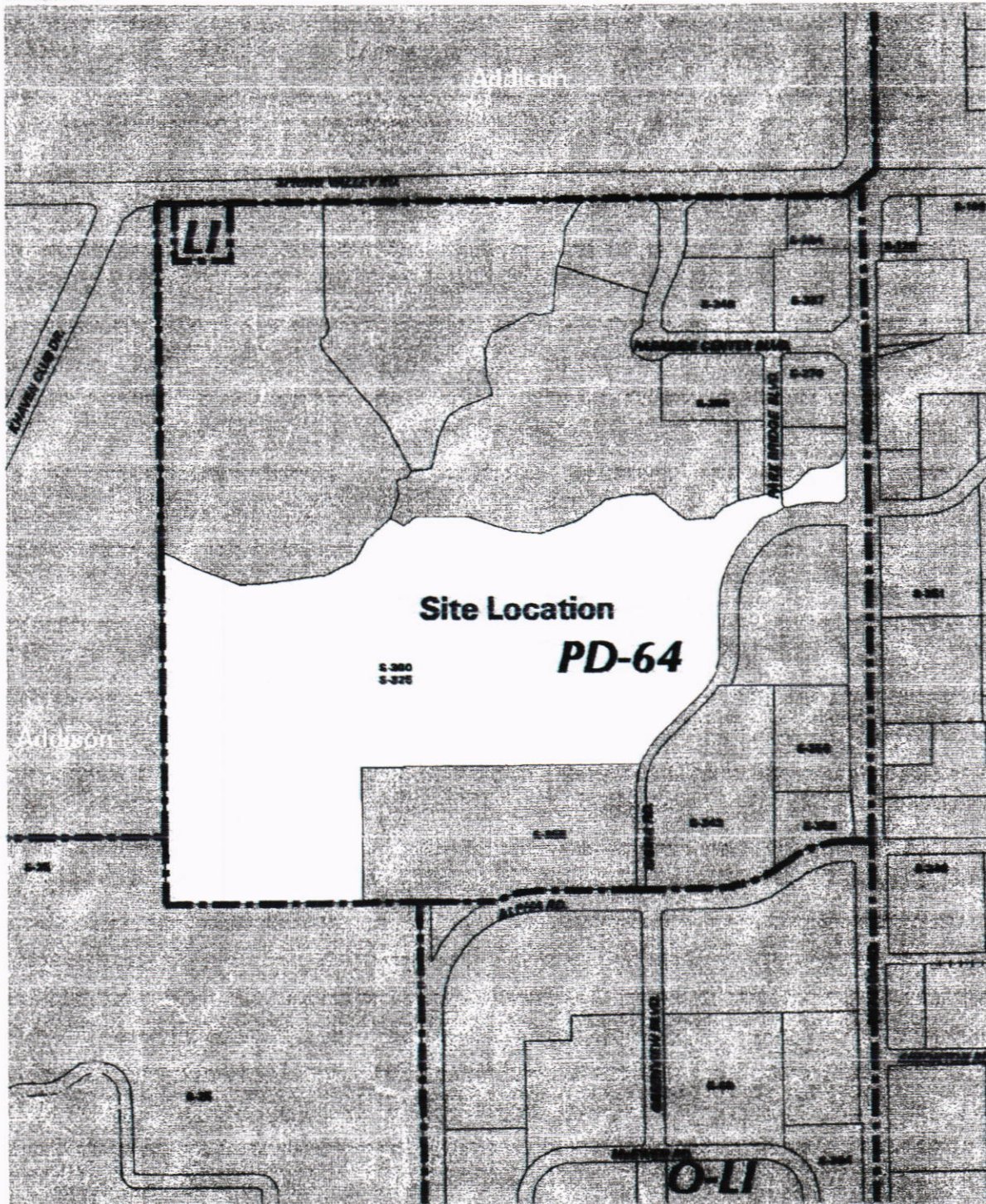
THENCE, Along the northerly line of said LOT 4, BLOCK A, the following courses:

North 40 degrees 53 minutes 04 seconds East, a distance 80.47 feet to a point for a corner;

North 84 degrees 04 minutes 53 seconds East, a distance of 103.51 feet to a point for a corner;

North 33 degrees 14 minutes 29 seconds East a distance of 74.65 feet to the POINT OF BEGINNING and containing 0.5317 acres of land more or less.

Exhibit "B"



City of Farmers Branch P.O. Box 819010 Farmers Branch, Texas 75381-9010 972/247-3131
Linked in Friendship with District of Bassetlaw, England, Garbsen and Schönebeck, Germany.
Internet URL...<http://www.ci.farmers-branch.tx.us>

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Exhibit "C" (continued)

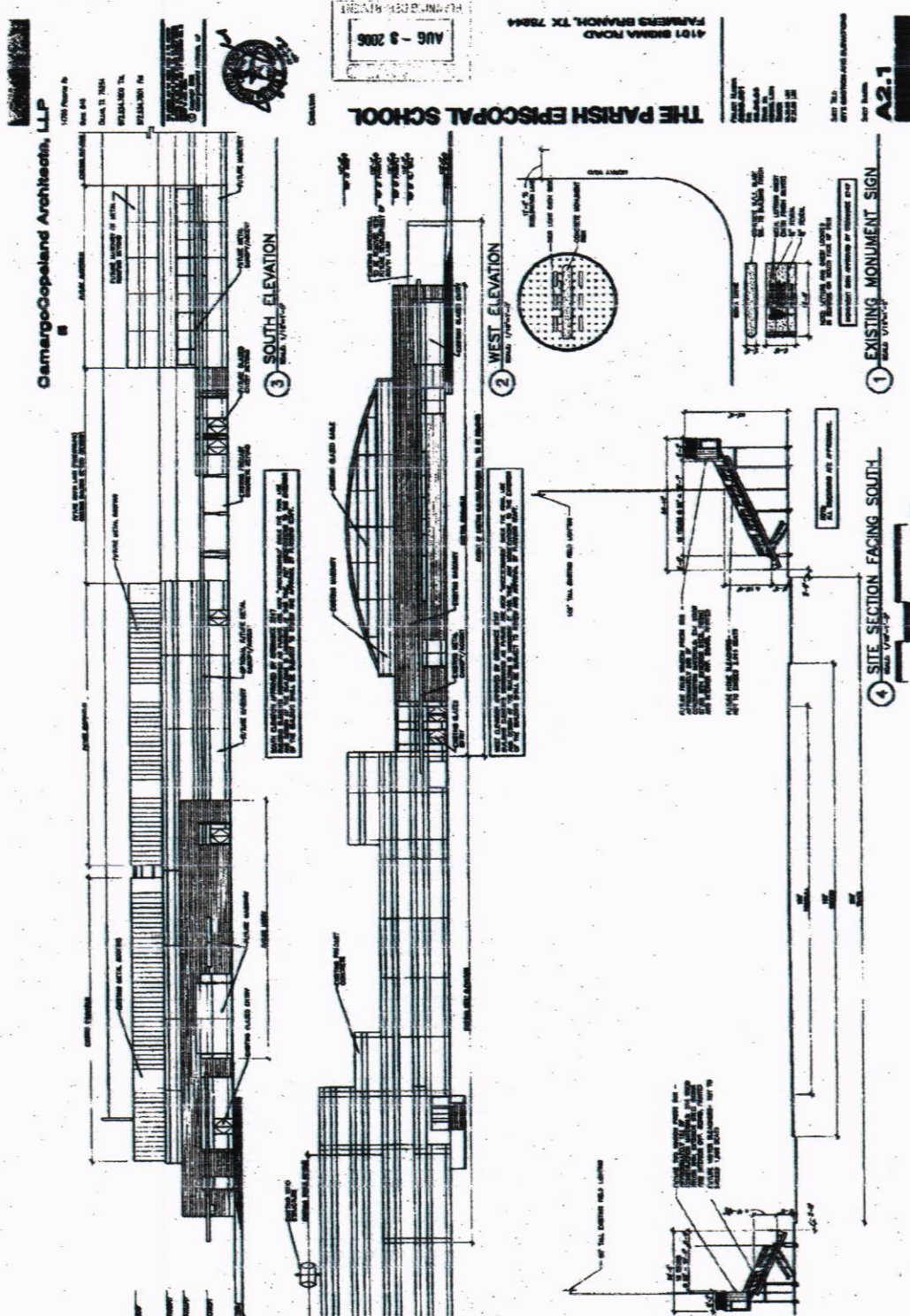
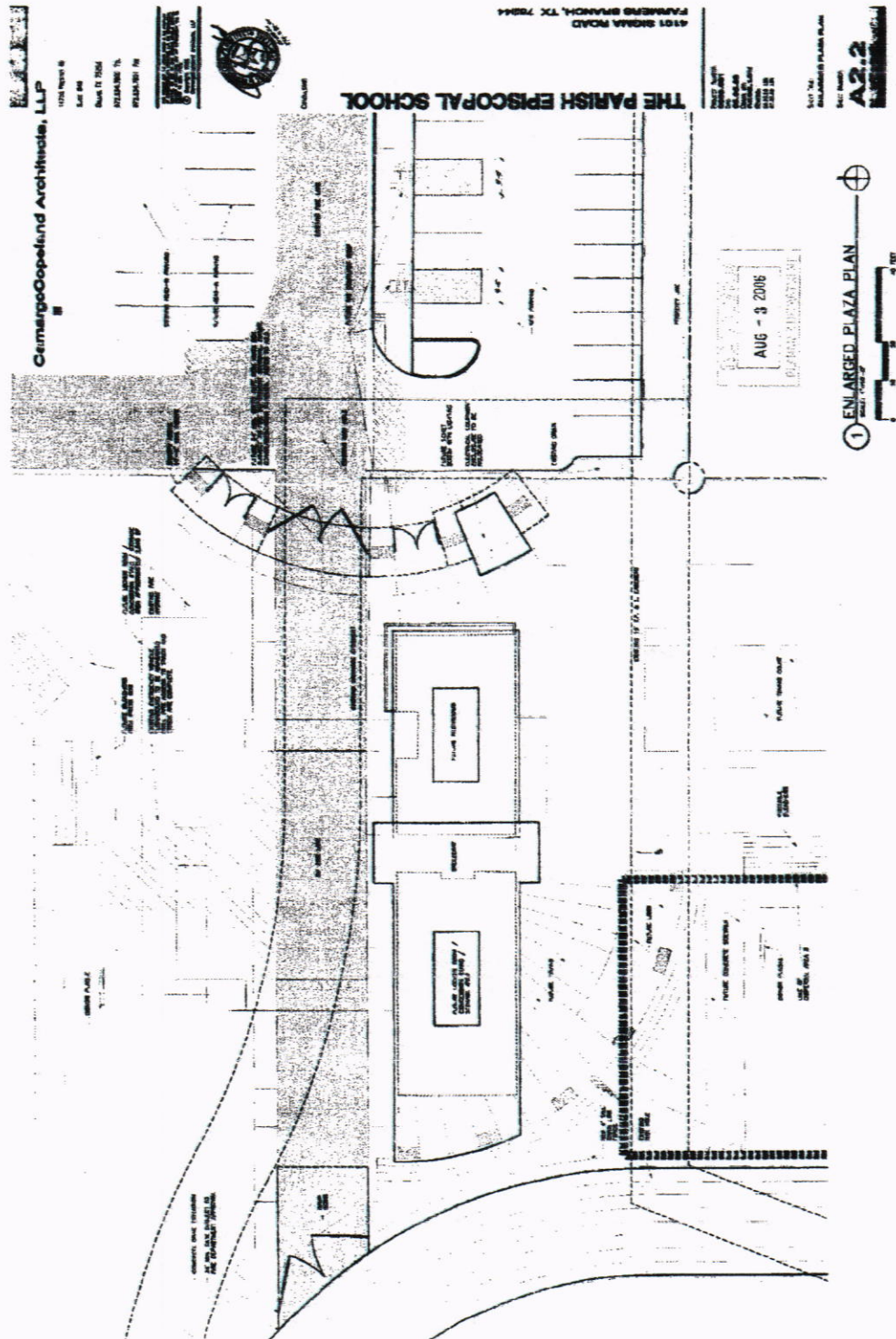


Exhibit "C" (continued)



City of Farmers Branch P.O. Box 819010 Farmers Branch, Texas 75381-9010 972/247-3131
Linked in Friendship with District of Bassetlaw, England, Garbsen and Schönebeck, Germany.
Internet URL...<http://www.ci.farmers-branch.tx.us>

Exhibit "C" (continued)

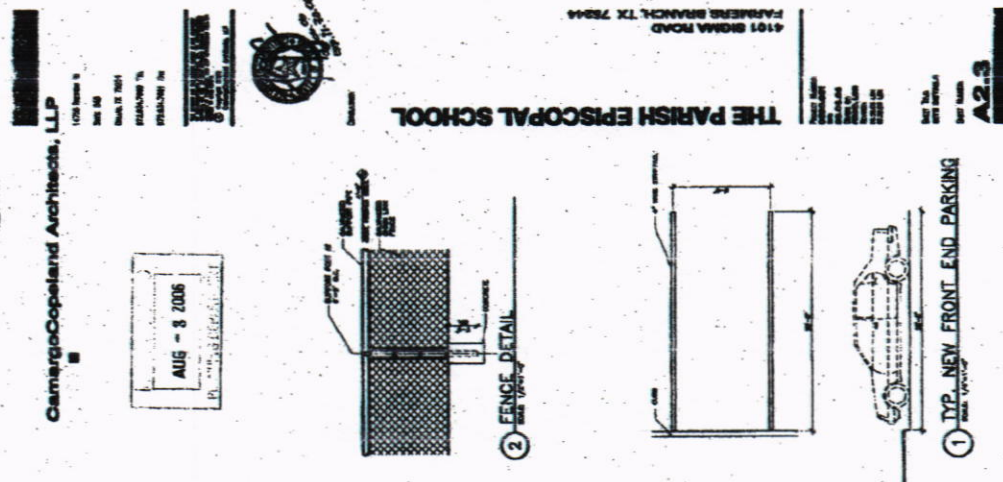
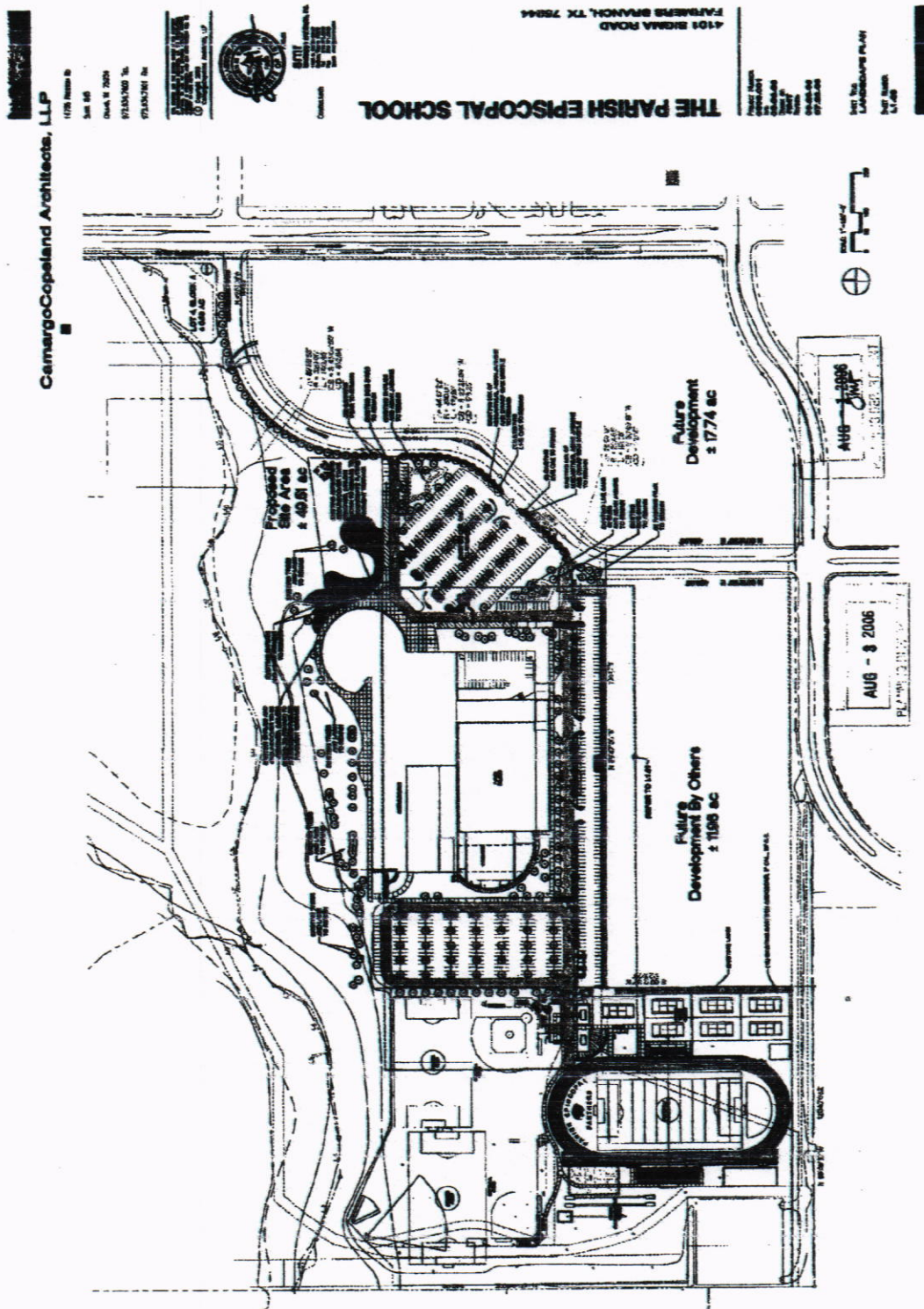


Exhibit "C" (continued)



City of Farmers Branch P.O. Box 819010 Farmers Branch, Texas 75381-9010 972/247-3131
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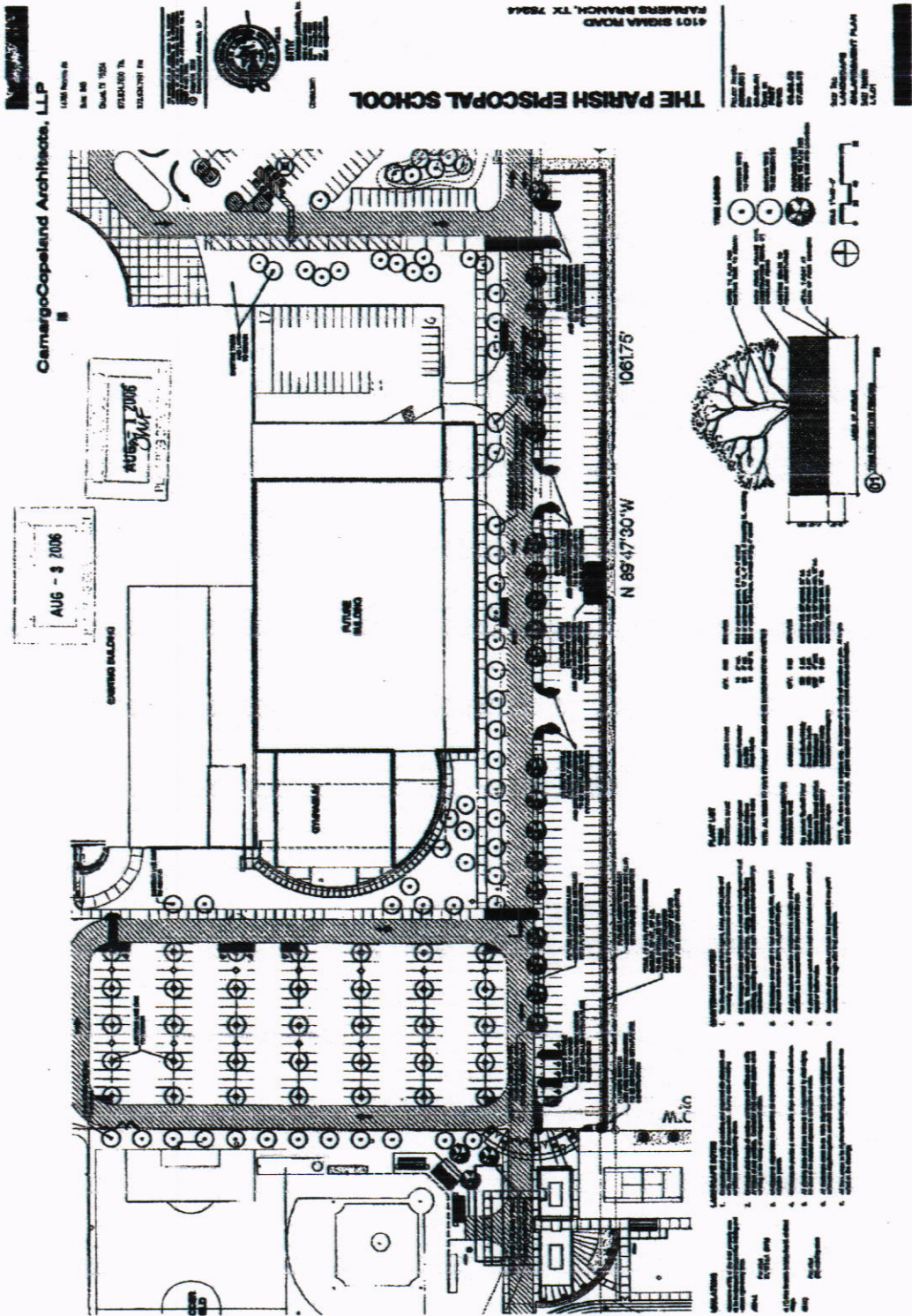


Exhibit "D" – Parking ratio recommendation from parking study prepared by DeShazo, Tang and Associates, Inc (dated August 7, 2006).

DeShazo, Tang & Associates, Inc.
August 7, 2006

Recommendations

In order to optimize the parking supply on the campus to be more comparable to the actual parking demand, a revised parking requirement is recommended. It should be noted that PES maximum classroom ratio is 18 students per instructor. This smaller than average classroom size relative to other schools is specifically important when assigning parking to number of classrooms as the CZO is based upon. DT&A has crafted a proposed multi-faceted parking requirement for PES based upon the premise that special events and other school activities can be deliberately scheduled to fully complement and achieve a highly efficient usage of the available parking supply.

DT&A recommended parking requirement for PES:

- a) the minimum total number of parking spaces on site shall be the greater of:
 - i) 50 spaces; plus, 1.0 space per classroom, laboratory, or instruction area; plus, 1.0 space per each 1.5 students (in Grades 10-12); or
 - ii) 1.0 space per 3.5 seats² in the [future] football stadium or in the single, largest place of assembly on the campus,

STIPULATION: No event at that facility (described in ii.) that is expected to attract a capacity or near-capacity crowd may be scheduled concurrent with other school classes or other functions, unless prior arrangements to satisfy parking demand are approved by the City staff. [Note: Use of the facility during school classes for student-only activities and at other times for events and functions expected to attract a nominal-to-moderate off-campus crowd is acceptable.]

- b) When/If applicable, any spaces is required in excess of the number of on-site spaces depicted on the approved, amended SUP site plan, may be provided remotely (i.e., off site) with a private arrangement among property owners and/or on street, for use only during a special event as described in (a.ii.).
- c) PES shall provide the City Manager's Office with a Parking Study which addresses the football-stadium-special-event parking needs within one year after approval of any change in the parking requirements. Successive parking studies shall be provided at the request of City staff.
- d) PES shall periodically and voluntarily promote ridesharing and other traffic management strategies via e-mails, mail inserts, etc. to parents and visitors in order to encourage reduction of the parking demand during special events.

² The request for 1 space per 3.5 seats is a composite rate based upon the requirement within the Comprehensive Zoning Ordinance for elementary schools to provide 1 space per 4.0 seats within any place of assembly, and the more restrictive PD-64 SUP requirement of 1 space per 3.0 seats in the future football stadium. For support, DT&A researched the parking code requirements for football stadia in other Dallas area City's, which are predominantly 1 space per 4 seats, as summarized in the Appendix.

Parish Episcopal School Parking Analysis
Page 5



MEMORANDUM

COMMUNITY SERVICES DEPARTMENT

Date: March 9, 2007

To: Cindee Peters, City Secretary

From: Tina Firgens, AICP, Senior Planner

Re: Ordinance No. 2879 pertaining to Parish Episcopal School

The version of Ordinance No. 2879 within the City Council agenda packet for September 5, 2006 (agenda item C.2) included a drawing sheet entitled "Security Plan" (Attachment 4, page 10 of 16 within the agenda item).

The City Council concurred with the recommendation of the Planning and Zoning Commission to no longer require a security plan and associated Detailed Operational Procedures Plan (Condition No. 3 as discussed within the agenda item). Therefore, the final version of Ordinance No. 2879 has been prepared based upon the Council's action with the security plan drawing being removed from the final version of the ordinance.